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PART II—Section 3—Sub-section (i)

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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 10th January 1963

G.S.R. 91.—In exercise of the powers conferred by section 3 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby makes the following rules further to amend the Defence of India Rules, 1962 (published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1465, dated the 5th November, 1962), namely:—

1. These rules may be called the Defence of India (Second Amendment) Rules, 1963.

2. After rule 72 of the Defence of India Rules, 1962 (hereinafter referred to as the said rules), the following rule shall be inserted, namely:—

"72-A. *Prevention of spread of disease.*—(1) If the Central or the State Government is of the opinion that it is necessary or expedient to prevent the spread of human or animal disease and to safeguard the public health in any area for securing the defence of India and civil defence, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community, it may, by order, provide for any or all of the following measures being taken in that area, namely:—

- (i) compulsory vaccination against small-pox;
- (ii) compulsory inoculation against cholera, plague, enteric fever or other infectious or contagious disease whenever an outbreak thereof is apprehended;
- (iii) supplying of information regarding infectious or contagious diseases;
- (iv) isolation of persons suffering from infectious and contagious diseases;
- (v) inspection of hotels, restaurants, clubs and other places suspected to be infected premises and disinfection thereof;
- (vi) prohibition of fouling of places and grazing of cattle;
- (vii) destruction of stray dogs and other dangerous animals;
- (viii) prohibition of sale of unhygienic or adulterated articles of food or drink or medicines or drugs;
- (ix) safeguarding of sources of water supply for the troops;
- (x) any other measure necessary for safeguarding the public health in that area

(2) An order under sub-rule (1) may also empower any officer or authority to take, or cause to be taken, such steps as may be necessary for giving effect to that order.

- (3) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

3. After rule 131 of the said rules, the following Part shall be inserted, namely:—

"PART XIII-A

Imports and Exports

131-A. Power to prohibit or restrict import and export of goods.—(1) Words and expressions used in this rule shall have the same meaning as in the Imports and Exports Control Act, 1947, the Imports (Control) Order, 1955 and the Exports (Control) Order, 1962.

(2) The Central Government may, by notified order, make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be made by or under the order,—

- (a) the import, export, carriage coastwise or shipment as ships' stores of goods of any specified description;
- (b) the bringing into any port or place in India of goods of any specified description intended to be taken out of India without being removed from the ship or conveyance in which they are being carried.

(3) All goods to which any order under sub-rule (2) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word 'shall' therein, the word 'may' were substituted.

(4) Notwithstanding anything contained in the Sea Customs Act, 1878, the Central Government may, by notified order, prohibit, restrict or impose conditions on the clearance, whether for home consumption or for shipment abroad, of any goods or class of goods imported into India.

(5) If any person contravenes any order made under this rule (including any condition of a licence granted under any such order), he shall, without prejudice to any confiscation or penalty, to which he may be liable under the provisions of the Sea Customs Act, 1878, as applied by sub-rule (3), be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

131-B. Smuggling.—(1) No person shall acquire possession of or in any way be concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing or in any other manner dealing with or financing any goods (including coins and currency, whether Indian or foreign, and foreign exchange) which have been or are attempted to be brought into or taken out of India, in contravention of the prohibitions or restrictions for the time being in force under the provisions of or by virtue of sections 18 and 19 of the Sea Customs Act, 1878 or any order under rule 131-A.

(2) (a) Where any goods to which this sub-rule applies are seized in the reasonable belief that they have been smuggled into India in contravention of the prohibitions or restrictions aforesaid, the burden of proving that they are not smuggled goods shall be on the person from whose possession the goods were seized.

(b) This sub-rule shall apply to gold, diamonds, manufactures of gold or diamonds, watches and any other class of goods which the Central Government may by notified order specify.

(3) No person shall, in relation to any goods which are entered at or brought to be passed through a Custom House either for importation or exportation, give a false or wrong declaration with regard to their sort, quality, quantity or value, in the bill of entry or application presented for passing them, or be in any way concerned with such false or wrong declaration.

(4) If any person contravenes any of the provisions of this rule, he shall, without prejudice to any confiscation or penalty to which he may be liable under the Sea Customs Act, 1878, be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

(5) Notwithstanding the provisions of rule 154, no Court or Tribunal shall take cognisance of any offence under this rule except on a complaint being made by a Collector of Customs, Central Excise or Land Customs."

4. In clause (d) of sub-rule (2) of rule 132 of the said rules for the words, "branch of the State Bank of India doing treasury business," the words, "branch of the State Bank of India or of any of its subsidiaries doing treasury business or having small coin depots," shall be inserted.

[No. F. 3/6/62-Poll (Spl).]

HARI SHARMA, Addl. Secy.

